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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR-05-0533 SI
Plaintiff,) [PROPOSED] ORDER EXCLUDING
v.) TIME UNDER THE SPEEDY TRIAL ACT
JOHN ANTHONY MOSLEY,)
Defendant.)

This matter came on this Court's calendar on August 26, 2005 for status and trial setting.

Assistant United States Attorney Dennis Michael Nerney appeared on behalf of the government. Defense counsel Elizabeth Falk appeared on behalf of the defendant. The Court continued the matter until September 23, 2005 at 11:00 a.m.

The parties requested an exclusion of time under the Speedy Trial Act from August 26 through September 23, 2005 based upon the need for effective preparation of counsel. The government is providing further discovery to the defense. The defendant's counsel needs time to review this discovery. Therefore, the parties are requesting an exclusion of time. The parties agree that the time from August 26 through September 23, 2005 should be excluded in

ORDER EXCLUDING TIME
No. CR-054-0533-SI

1 computing the time within which trial shall commence. See 18 U.S.C. § 3161(h)(8)(A) and
2 (B)(iv).

3 Accordingly, the Court HEREBY ORDERS that the time from August 26 through
4 September 27, 2005 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds
5 that the failure to grant the requested exclusion would deny the defendant reasonable time
6 necessary for effective preparation, taking into account the exercise of due diligence. See 18
7 U.S.C. § 3161(h)(8)(B)(iv). The Court finds that the ends of justice served by granting the
8 requested exclusion outweigh the best interest of the public and the defendant in a speedy trial
9 and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court
10 therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).
11 SO ORDERED.

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13 DATED:

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16 Approved as to form:

18 /S/
19 ELIZABETH FALK, ESQ.

20 Attorney for Defendant

21 /S/
22 DENNIS MICHAEL NERNEY

23 Assistant United States Attorney

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

to be served this date on the party(ies) in this action,

Via Hand Delivery

**Elizabeth Falk
Assistant Federal Public Defender
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: September 13, 2005

Ponly J. Tu
Legal Assistant (Immigration)
United States Attorney's Office